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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 United States of America,
10 Plaintiff,
11 v.
12 Donald Day, Jr.,
13 Defendant.
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No. CR-23-08132-PCT-JJT

**ORDER GRANTING MOTION TO
CONTINUE JURY TRIAL AND ORDER
SETTING BENCH TRIAL**

15 Upon motion of Defendant with no objection from the Government, and good cause
16 appearing,

17 **IT IS ORDERED** setting a 2-day **Bench Trial starting 10/21/2025 at 9:00 a.m.,**
18 **if necessary.** No Pretrial Motions deadline set and no Final Pretrial Conference to be held
19 as to the Bench Trial.

20 **IT IS FURTHER ORDERED** granting Defendant's Motion to Continue Trial
21 (Doc. 222), for the reasons stated in Defendant's motion, including that defense counsel
22 needs additional time to prepare for trial.

23 This Court specifically finds that the ends of justice served by granting a
24 continuance outweigh the best interests of the public and the defendant in a speedy trial.
25 This finding is based upon the Court's conclusion that the failure to grant such a
26 continuance would deny Defendant the reasonable time necessary for effective preparation,
27 taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

28 **IT IS FURTHER ORDERED** continuing the trial from September 15, 2025 to
November 6, 2025 at 9:00 a.m.

IT IS FURTHER ORDERED that no pretrial motions deadline is reset as to the Jury Trial.


IT IS FURTHER ORDERED setting a **Final Pretrial Conference for October 28, 2025 at 9:00 a.m.**

IT IS FURTHER ORDERED that if any subpoenas were previously issued and served in this matter, that they remain in effect and are answerable at the new trial date and the party who served the subpoena should advise the witnesses of the trial date.

IT IS FURTHER ORDERED that excludable delay under Title 18 U.S.C. §3161(h)(7)(A) and (B) will commence from September 16, 2025 to November 6, 2025.

IT IS FURTHER ORDERED that the parties shall keep the Court apprised of the possibility of settlement and should settlement be reached, the parties shall notify the Court.

Dated this 4th day of September, 2025.


Honorable John J. Tuchi
United States District Judge